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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,202	03/31/2004	Robert P. Cassoni	527.1001DIV	9504
23280	7590	02/13/2006	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018				YEAGLEY, DANIEL S
ART UNIT		PAPER NUMBER		
		3611		

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/815,202	CASSONI, ROBERT P.	
	Examiner	Art Unit	
	Daniel Yeagley	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 February 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 31 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>27/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 9 is objected to because of the following informalities:

Claim 9, line 9, the phrase “another an other” appears redundant.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-12 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9, line 10-11, the term “*the first side* of the golf bag” lacks antecedent basis.

Regarding claim 19, line 1, the term “*the first* hitching device” lacks antecedent basis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dula in view of Underwood ‘290.

Dula shows a carrier having a carrier body and handle, wherein the carrier body includes a hitching device connected to a carrier body for connecting to another hitching device on a vehicle (car), wherein at least a portion of the hitching device extends from a first side of the carrier body and permits rotation of the carrier body with respect to the vehicle (column 11, figure 1 and 4), but failed to show the two wheels connected to and extending from a second side of the carrier body.

Underwood shows a carrier that incorporates two wheels being connected to a carrier body and extending from a second side of the carrier body (figure 1), wherein the carrier includes the prior art features of having a handle that is latchable (column 3, line 38) and is rotatable to move the axis of the wheels with respect to the carrier body (column 3) as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the wheels of Dula carrier with rearward mounted movable wheels that are collapsible via a handle actuation such as suggested by Underwood to provide a carrier that is substantially more compact for storage as taught by Underwood.

6. Claims 1, 3, 4, 5, 8, 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitkanen '576 in view of Dula '261.

Pitkanen shows a golf club carrier comprising a handle with a golf bag comprising a back, front, bottom and open top which is supported by a first side of a carrier body which supports the back and bottom of the golf bag (figure 5), wherein the carrier body comprises two wheels connected to and extending from a second side of the carrier body, such that the carrier is capable of standing upright when a support surface and the wheels contact the ground, and

wherein the wheels include an axis that are movable with respect to the carrier body (figure 1), and further shows a device (mounting claw 53) connected to the carrier body, such that at least a portion of the device extends from the first side at the bottom of the golf bag (figure 5) and is capable of connecting to a hitching device on a golf cart (vehicle), but was silent regarding a hitching device connected to the carrier body for connecting to another hitching device which permits rotation of the golf club carrier body about the other hitching device.

Dula shows a carrier having a carrier body and handle that is capable of holding a golf bag, wherein the carrier body of Dula discloses the prior art of incorporating a hitching device to a carrier body to connect the carrier body to another hitching device on a vehicle (cart), wherein at least a portion of the hitching device extends from a first side of the carrier body and permits rotation of the carrier body about the other hitching device (column 11, figure 1 and 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the carrier of Pitkanen utilizing a securing hitching device such as suggested by Dula carrier, in order to extend the use of Pitkanen carrier and provide a hitching means to secure the carrier of Pitkanen to a vehicle to provide for easy transporting of the carrier which minimizes the labor and difficulty of attaching and removing a cart from a vehicle as disclosed by Dula, which discloses a simple hitch style securing device for securing a carrier to a vehicle for easy transport of a carrier.

7. Claims 2, 6, 7, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitkanen '576 as modified by Dula '261 in further view of Underwood '290.

Pitkanen as modified by Dula as stated above disclosed a carrier comprising a carrier body, handle and two wheels extending from a second side of the carrier that are retractable and move an axis of the wheels with respect to the carrier body, and wherein the carrier body as modified by Dula hitching device has at least a portion of the hitching device extending from a first side of the carrier body and permits rotation of the carrier body about another hitching device on a vehicle (column 11, figure 1 and 4), but failed to show a spring connected to the wheel for assisting in retracting the wheels which included axis of the wheels being movable via a handle,

Underwood as stated above, disclosed a carrier that incorporates two wheels being connected to a carrier body and extending from a second side of the carrier body having a handle that is latchable and is also rotatable to move the axis of the wheels with respect to the carrier body (column 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified the modified carrier of Pitkanen as modified by the hitching device of Dula with spring biased retractable wheels and latchable handle to more easily control the actuation of the retractable wheels of Pitkanen carrier utilizing a single movement handle for an actuating member to manipulate the wheels to an extended locked position as taught by Underwood (column 1).

Response to Arguments

8. Applicant's arguments with respect to the claims; as now amended, have been considered but are moot in view of the new ground(s) of rejection as stated above.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gregory '214 and Zagwyn '707 show a retractable wheeled carrier.

Abbott '642 and Boettcher '530 show a hitching device at the bottom a carrier.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)-272-6655. The examiner can normally be reached on Mon. - Fri; first Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.



LESLEY D. MORRIS
EXAMINER
TECHNOLOGY CENTER 3600